

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Carlos D. Hermitt,)	
)	
)	
vs.)	No. 05-0339-CV-W-FJG
)	Crim. No. 03-0322-01-CR-W-FJG
United States of America,)	
)	
)	

ORDER

Movant pled guilty to Count 1 of the Indictment on February 5, 2004. A sentencing hearing was held on May 11, 2004, and judgment entered on May 12, 2004. Movant did not appeal his sentence. Thereafter, movant filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 on April 28, 2005 (Doc. #3). Upon review of the pending motion and responses, the Court concludes the issues raised by movant are not supported by either the record or prevailing legal authority. For the aforesaid reasons movant's request for an evidentiary hearing is denied, and his motion to vacate, set aside or correct this sentence pursuant to 28 U.S.C. Sec. 2255 is denied.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: June 28, 2005
Kansas City, Missouri